

**REMARKS**

In the Office Action mailed August 11, 2003, the Examiner noted that claims 1 and 9 were pending, that claims 3-8 and 11-16 have been withdrawn from consideration and rejected claims 1 and 9. Claims 1 and 9 have been amended, new claims 17-19 have been added and, thus, in view of the forgoing claims 1, 9 and 17-19 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In a telephone communication with the Examiner prior to the issuance of the November 25, 2003 Advisory Action, the Examiner noted that the Nio reference, as depicted in figure 1A, was directed at a welding tool where a tip of the welding tool 7 is offset from axis 14(3'). As suggested by the Examiner in the telephone conversation, claims 1 and 9 have been amended to emphasize that the invention is directed at a cutting tool (see also new claim 19). In addition, as suggested by the Examiner claims 18 and 19 emphasize the L-shaped structure 11a/11e and extension 2. In addition, it is noted that the work point of Nio, that is, where the welding heat is applied is on the axis 14(3'). The present invention offsets the work point (see claim 17). This offset of the work point allows the present invention to perform an oval cut as depicted in figure 4a with a simple motion and without a complex motion as is required in Nio as discussed in the prior filed Amendment, which the Examiner is requested to review.

The arguments concerning personal knowledge and request for allegation support, problem recognized and solved by the present invention and not by the prior art, lack of bias taught by the prior art, etc. of the prior filed Amendment are incorporated by reference herein and reconsideration thereof is requested.


It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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Date: 1/9/4

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